

4913. Misbranding of "White Pine Expectorant" and "White Pine Balsam." U. S. * * * v. Allan-Pfeiffer Chemical Co., a corporation. Plea of guilty. Fine, \$40 and costs. (F. & D. No. 6976. I. S. Nos. 6311-h, 6312-h.)

On February 25, 1916, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Allan-Pfeiffer Chemical Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about April 12, 1913, from the State of Missouri into the State of Illinois, of quantities of "White Pine Expectorant" and "White Pine Balsam," each of which was misbranded. The expectorant was labeled in part: (On bottle) "White Pine Expectorant."

Analysis of a sample of this article by the Bureau of Chemistry of this department showed that the product is essentially a sirupy solution containing a small amount of alkaloid (probably morphine), chloroform, alcohol, benzoic acid, and a large amount of plant extractives unidentified.

The balsam was labeled in part: (On bottle) "White Pine Balsam."

Analysis of a sample of this article by said Bureau of Chemistry showed that the product is essentially a sirupy solution containing a small amount of alkaloid (probably morphine), chloroform, alcohol, benzoic acid, and a large amount of plant extractives unidentified.

Misbranding of the articles was alleged in the information for the reason that the following statement, regarding them and the ingredients and substances contained therein, appearing on the labels aforesaid, to wit, "White Pine Expectorant" (or "White Pine Balsam," in the case of the balsam), was false and misleading in that it indicated to purchasers thereof that each of the articles contained as one of its ingredients extract or tar of white pine, when, in truth and in fact, neither article contained any extract or tar of white pine. Misbranding was alleged for the further reason that the following statement regarding the therapeutic or curative effects of the articles appearing on the labels of the cartons aforesaid, to wit, "White Pine Expectorant" (or "White Pine Balsam," in the case of the balsam) * * * for * * * consumption * * * and all inflamed conditions of the lungs," was false and fraudulent in that the same was applied to one or the other of the articles, knowingly and in reckless and wanton disregard of its truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that each of the articles was, in whole or in part, composed of or contained ingredients of medicinal agents effective, among other things, as a remedy for consumption and all inflamed conditions of the lungs, when, in truth and in fact, said articles were not, in whole or in part, composed of and did not contain such ingredients or medical agents.

On April 7, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$40 and costs.

R. A. PEARSON, *Acting Secretary of Agriculture.*